

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA, ex rel.:

**GLENIS D. SANDERS and
MELANIE C. LESTER,**

Plaintiffs,

v.

Civil Action No. 5:05-cv-380(HL)

**KINDRED HEALTHCARE, INC. d/b/a
WARNER ROBINS REHABILITATION
AND NURSING CENTER, KINDRED
HOSPITAL PHARMACY SERVICES,
INC., DEBORA L. JONES and
ERNESTINE B. HENRY,**

Defendants.

ORDER

This matter is before the Court on a letter from the Government dated January 7, 2009, (Doc. 35), which the Court will treat as a Motion to Vacate Order Entered January 5, 2009. In the Motion, the Government notes that pursuant to the provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), before a *qui tam* action can be dismissed, the Court and the Attorney General must give written consent to the dismissal.¹ Here, an order of dismissal was entered without the consent of the Attorney General having first been obtained. Accordingly, the order was entered in error and must be, and is hereby, vacated. Counsel for Relators and Defendants are directed to confer with counsel for the Government regarding the terms of any

¹ In an order entered April 25, 2008, the Court also directed that “should the relators or the defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.” (Doc. 21, Order at 2.) No such consent was obtained or solicited before the order of dismissal was entered.

settlement that they have reached and to file an appropriate motion with the court at such time as all parties are in agreement with respect to the terms of a settlement.

SO ORDERED, this the 8th day of January, 2009.

s/ Hugh Lawson
HUGH LAWSON, JUDGE

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